



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of )

KOLTER et al. )

Serial No. 09/873,431 )

Filed : June 05, 2001 )

) Group Art Unit: 1615

) Examiner: Fubara

For: **A PROCESS FOR PRODUCING SOLID ORAL DOSAGE FORMS WITH SUSTAINED  
RELEASE OF ACTIVE INGREDIENT**

TERMINAL DISCLAIMER

Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Your Petitioner, BASF Aktiengesellschaft, a corporation of Germany, having a place of business at 67269 Ludwigshafen, is the Assignee of the entire right, title and interest in and to pending U.S. Application Serial No. 09/873,431, filed June 05, 2001, as evidenced by the assignment recorded on Reel 011880, Frame 0946, on June 05, 2001.

Your Petitioner, by the undersigned attorney of record, hereby disclaims the terminal part of any patent granted on application Serial No. 09/873,431 which would extend beyond the expiration date of any patent based on U.S. application Serial No. 4,837,032, which application is also owned by Petitioner, and hereby agrees that any patent based on application Serial No. 09/873,431, shall be enforceable only for and during such period that application Serial No. 09/873,431 and any patent granted issuing from U.S. application Serial No. 4,837,032 are commonly owned. This agreement runs with any

patent granted on application Serial No. 09/873,431, and is binding upon the grantee, its successors or assigns.

Petitioner also states that the invention disclosed and claimed in application Serial No. 09/873,431 and the invention disclosed and claimed in application Serial No. 4,837,032, were commonly owned when the invention disclosed and claimed in the present application was made.

Petitioner further states that the evidentiary documents relating to the ownership of application Serial No. 09/873,431 and application Serial No. 4,837,032 have been reviewed and Petitioner certifies that to the best of its knowledge and belief, title is in Petitioner. The undersigned has reviewed all the documents in the chain of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

**Attached is a check in the amount of \$110.00 to cover the fee for this paper.**

This Terminal Disclaimer executed on behalf of the Assignee by the undersigned attorney of record, this 10th day of August, 2004.

  
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Herbert B. Keil  
Reg. No. 18,967